

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS
PD-0894-18

FILED
COURT OF CRIMINAL APPEALS
3/26/2019
DEANA WILLIAMSON, CLERK

VITH LOCH

§

§

VS.

§

§

§

THE STATE OF TEXAS

§

On Petition for Review of
No. 01-16-00438-CR
Court of Appeals
First District of Texas

**APPELLANT'S THIRD MOTION TO EXTEND TIME
TO FILE APPELLANT'S BRIEF ON THE MERITS**

Appellant Vith Loch moves the Court to grant a 5-day extension of time to file his brief on the merits. This motion is filed under Tex. R. App. Proc. 10.5(b)(1) and 10.5(b)(3).

TEX. R. APP. P. 10.5(b)(3) statement:

- (A) Deadline for filing: March 22, 2019
- (B) Length of extension sought: 5 days
- (C) Due to a calendaring error by counsel for the original brief deadline, Appellant's brief in this case is seriously past due. The Court has granted two extensions of time – one for 30 days, and one for 15 days – to file the brief. Despite her best efforts, counsel was unable to complete the brief by March 22. She has put all other work aside and is reorganizing the argument and updating citations to present the strongest case possible on behalf of Mr. Loch.
- (D) Number of previous extensions: 2

Tex. R. App. P. 10.5(b)(3) statement:

- (A) Court of appeals: First Court of Appeals (Houston)
- (B) Date of court of appeals judgment: July 31, 2018
- (C) Case number and style: Cause No. 01-16-00438-CR, *Vith Loch v. State*
- (D) Motions for rehearing or en banc reconsideration: None.

PRAYER

Appellant respectfully requests that the motion be granted and that the Court permit an extension of time until March 27, 2019 for counsel to file Appellant's brief.

Respectfully submitted,

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Chief Public Defender
Harris County Texas

/s/ Cheri Duncan

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CERTIFICATE OF SERVICE

I certify that a copy of Appellant's Second Motion to Extend Time to File Brief was served electronically on the Appellate Division of the Harris County District Attorney's Office and the State Prosecuting Attorney on March 25, 2019.

/s/ Cheri Duncan

CHERI DUNCAN